

**REMARKS**

The Examiner is thanked for the careful examination of the application. In view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection.

**§ 102(e) Rejections**

Claims 1-3, 9, 11, 14-16, 22-29 and 35, with Claims 1, 14, 24 and 27 being independent, are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,809,741, hereinafter *Bates*.

As currently amended, the independent Claims 1, 14, 24 and 27, now recite that the first image data that have approximately equal colors are specified a uniform adjusting color, based on the colors of the first image data and all the colors of the second image data irrespective of the number of colors of the second image data. Thus, even if a large number of colors is used in second image data, the present invention considers all the colors of the second image data without limitation of the number of colors.

The Examiner states in the final Office Action that "*Bates* preferably utilizes the top three colors (column 21, lines 19-22), but apparently any arbitrary "n" number of top colors could be utilized. In addition, the Examiner states that "*Bates* discloses the scenario where the background object contains only two colors. In this situation, both colors are utilized for correcting color contrast problems since the number of colors (2) is less than the preferred number of colors utilized for comparison (3)."

To put it the other way around, in the disclosure by *Bates*, if the background object contains more than "n" number of top colors, not all colors of background

objects are utilized. Namely, *Bates* utilizes a limited number of the colors of background objects.

However, the present invention utilizes all the colors of the second image data irrespective of the number of colors of the second image data.

Thus, the present invention is clearly distinguished from *Bates*. Therefore, the invention of Claims 1, 14, 24 and 27 are not anticipated by *Bates*.

Claims 2, 3, 9, 11, 15, 16, 22, 23, 25, 26, 28, 29 and 35 are dependent claims of Claims 1, 14, 24 and 27. As mentioned above, Claim 1, 14, 24 and 27 are not anticipated by *Bates*. Thus, Claims 2, 3, 9, 11, 15, 16, 22, 23, 25, 26, 28, 29 and 35 are also not anticipated by *Bates*.

#### § 103(a) Rejections

Claims 4, 6, 10, 17, 19, 30, 32 and 36 are rejected as being unpatentable over *Bates* in view of Translation of Japanese Patent 09-025285A, hereinafter *Honda*.

As stated above, *Bates* does not disclose to utilize all the colors of background objects irrespective of the number of colors of the background.

The Examiner states that *Honda* discloses an image processing system that makes text more legible by altering the colors of the text so that it exhibits higher contrast as compared with the background on which the text is overlaid. However, *Honda* does not disclose to utilize all the colors of the backgrounds irrespective of the number of colors of the background for altering colors of texts.

Therefore, neither *Bates* nor *Honda* teaches a specific component of the present invention. The present invention is therefore patentable over *Bates* in view of *Honda*.

Claims 5, 8, and 31 are rejected as being unpatentable over *Bates* in view of *Honda*, and further in view of U.S. Patent 5,930,385, hereinafter *Fujimoto*.

The examiner states that *Fujimoto* discloses an image processing system adapted to perform a color conversion on an input image, such as converting a color image to a monochrome image. However, *Fujimoto* does not disclose to utilize all the colors of the backgrounds irrespective of the number of colors of the background for converting colors of texts. Therefore, the present invention is patentable over *Bates* in view of *Honda* and further in view of *Fujimoto*.

Claims 12 and 13 are rejected as being unpatentable over *Bates* in view of U.S. Patent 5,872,573, hereinafter *Adegeest*.

The examiner states that *Adegeest* discloses a system for producing legible text to be overlaid on a background. However *Fujimoto* does not disclose to utilize all the colors of the backgrounds irrespective of the number of colors of the background for producing legible texts. Therefore, the present invention is patentable over *Bates* in view of *Adegeest*.

### Conclusion

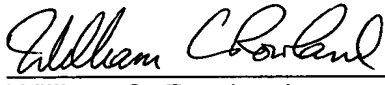
In view of the above amendments and remarks, Applicant respectfully requests that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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